

03-03-03

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Docket No. 50349

20/6

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

APPLICANT: Cameron et al.

SERIAL NO.: 09/129,113

ART UNIT: 1752

FILED: August 4, 1998

EXAMINER: B. Gilliam

FOR: PHOTORESIST COMPOSITIONS AND METHODS AND ARTICLES  
OF MANUFACTURE COMPRISING SAME

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TC 1700

Assistant Commissioner of Patents  
Washington, D.C. 20231

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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this Petition and all documents being referred to as enclosures hereto, are being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" under 37 C.F.R. 1.10, Mailing Label No. EL932683115US, with sufficient postage and addressed to the: Assistant Commissioner of Patents, Washington, D.C. 20231

March 1, 2003

Date

  
Peter F. Corless

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07/30/2004 AKELEY 00000007 041105 09129113

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PETITION TO WITHDRAW HOLDING OF ABANDONMENTPURSUANT TO 37 C.F.R. §1.181, OR IN THE ALTERNATIVE,PETITION TO REVIVE PURSUANT TO 37 CFR §1.137(B)

Pursuant to 37 C.F.R. §1.181, Applicants respectfully petition for withdrawal of the holding of abandonment for the above-referenced patent application, which, as indicated in a Patent Office Communication mailed by the Patent Office on December 2, 2002, was deemed to be abandoned for Applicants' alleged failure to previously provide "the fee required by 37 CFR 1.17(e) and/or the submission required by 37 CFR 1.114." A copy of that Patent Office Communication dated 12/02/02 is enclosed.

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As an initial matter, a response pursuant to 37 CFR 1.114 is enclosed herewith. Please charge any fees due, including any fees due under 37 CFR 1.17(e) to Deposit Account No. 04-1105.

Applicant filed a Notice of Appeal on October 7, 2002 in response to a prior Office Action dated May 6, 2002.

Then, the aforementioned Office Communication dated December 2, 2002 was issued (copy enclosed) stating that the application was abandoned and vacating the Office Action dated May 6, 2002.

Applicants respectfully request that the Commissioner withdraw that holding of abandonment as being erroneous and continue prosecution based on the enclosed Amendment.

Such a withdrawal of abandonment is considered proper as Applicant had relied on a issued Office Action dated May 6, 2002, and then that Office Action was vacated without prior notice to establish the abandonment.

However, in order to expedite re-instatement and prosecution of the subject application, Applicants request that the within petition be considered, in the alternative, as a Petition to Revive under 37 CFR §1.137(b). It is clear from the statement of facts above, that any abandonment of the subject application was wholly unintentional.

Accordingly, Applicants respectfully request withdrawal of the holding of abandonment of the above-referenced patent application, and entry of the Amendment enclosed herewith.

As mentioned above, please charge all fees that may be due to Deposit Account No. 04-1105.

Cameron et al al.  
Serial No. 09/129,113  
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Respectfully submitted,

Date: MARCH 1, 2003

By: \_\_\_\_\_

  
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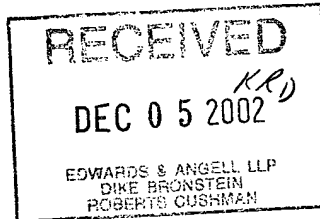


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/129,113	08/04/1998	JAMES F. CAMERON	50349	4003

7590 12/02/2002  
PETER F CORLESS  
EDWARDS & ANGELL, LLP  
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BOSTON, MA 02209



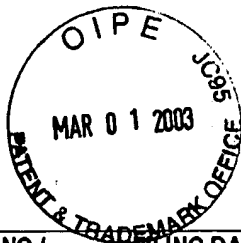
EXAMINER	
GILLIAM, BARBARA LEE	
ART UNIT	PAPER NUMBER

1752  
DATE MAILED: 12/02/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <sup>AS</sup>
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EXAMINER
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ART UNIT	PAPER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

This application was filed on August 4, 1998. On November 27, 2000 a first request for a Continued Prosecution Application (CPA) was filed. A rejection was mailed to applicants on February 8, 2001 and a Notice of Appeal was filed on August 13, 2001. A second request for CPA was filed on March 8, 2002. A final rejection was mailed to applicants on May 6, 2002. The final rejection of May 6, 2002 is hereby vacated because the second CPA request was improper.

37 CFR 1.53(d)(1) was amended to provide that the prior application of a CPA must be: (1) a utility or plant application that was filed under 35 U.S.C. 111(a) before May 29, 2000, (2) a design application, or (3) the national stage of an international application that was filed under 35 U.S.C. 363 before May 29, 2000. See Changes to Application Examination and Provisional Application Practice, interim rule, 65 Fed. Reg. 14865, 14872 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47, 52 (Apr. 11, 2000). Since a CPA of this application is not permitted under 37 CFR 1.53(d)(1), the improper request for a CPA is being treated as a request for continued examination of this application under 37 CFR 1.114. See id. at 14866, 1233 Off. Gaz. Pat. Office at 48.

A request for continued examination under 37 CFR 1.114 was filed in this application on March 8, 2002, after appeal to the Board of Patent Appeals and Interferences. Therefore, the appeal has been withdrawn pursuant to 37 CFR 1.114. The request, however, lacks the fee required by 37 CFR 1.17(e) and/or the submission required by 37 CFR 1.114. Since the proceedings as to the rejected claims are considered terminated, and no claim is allowed, the application is abandoned. See MPEP 1215.01.

JANET BAXTER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

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